

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

Cary Jurgens,	)	
	)	
Plaintiff,	)	<b>ORDER ADOPTING STIPULATION</b>
	)	<b>TO DISMISS COUNT I OF</b>
vs.	)	<b>PLAINTIFF'S COMPLAINT</b>
	)	
BNSF Railway Company, a corporation,	)	
	)	Case No. 4:12-cv-063
Defendant.	)	

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Before the court is a "Stipulation to Dismiss Count I of Plaintiff's Complaint" filed July 24, 2013. The court **ADOPTS** the stipulation (Docket No. 25) and **ORDERS** Count I of the complaint dismissed with prejudice and without costs and disbursements to either party.

**IT IS SO ORDERED.**

Dated this 6th day of September, 2013.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court